United Nations A/C.1/49/PV.24

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Official Records

First Committee
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Friday, 18 November 1994, 10 a.m.
New York

Chairman: Mr. Valencia Rodriguez . . . . . (Ecuador)

The meeting was called to order at 11.15 a.m.

Agenda items 53 to 66, 68 to 73 and 153 *(continued)*

Action on draft resolutions submitted under all disarmament and international security agenda items

The Chairman: At this morning's and this afternoon's meetings, the Committee will take decisions on the remaining draft resolutions contained in clusters 1, 5 and 11, namely, draft resolutions A/C.1/49/L.16/Rev.1, A/C.1/49/L.22/Rev.1, A/C.1/49/L.25/Rev.1, A/C.1/49/L.33/Rev.1, A/C.1/49/L.36, A/C.1/49/L.39, A/C.1/49/L.18/Rev.1, A/C.1/49/L.17/Rev.1, A/C.1/49/L.30/Rev.2 and A/C.1/49/L.34/Rev.1.

We have received a request to postpone action on draft resolutions A/C.1/49/L.39 and A/C.1/49/L.30/Rev.2 until this afternoon.

Mr. Kheradi (Secretary of the Committee): I would like to inform the Committee that the following countries have become sponsors of the following draft resolutions: A/C.1/49/L.22/Rev.1, Peru and China; A/C.1/49/L.39, Chile.

Mr. Ledogar (United States of America): I would like to make the following statement on behalf of the three depositary Governments of the Nuclear Non-Proliferation Treaty (NPT) — the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Yesterday we heard a statement on behalf of the Secretary-General concerning the financial implications of the draft resolution contained in document A/C.1/49/L.28. In connection with that statement by the representative of the Secretary-General, the three depositary Governments find it necessary to make the following points.

First, we were pleased to hear that the United Nations will not incur any financial obligations as a result of this draft resolution because, as stated, any such financial obligations would be attributable to the States Parties of the NPT as a result of decisions taken by those Parties in accordance with the relevant procedures within the framework of the Treaty. Secondly, we note that the NPT States Parties have not undertaken any such decision. Consequently, no monies for such a project have been allocated. Accordingly — and this is the final point — we assume that the Secretary-General will not take any steps to implement this draft resolution unless any such financial decision is taken by the States Parties.

The Chairman: The Secretariat has taken note of the statement of the representative of the United States.

Since no other delegation wishes to explain its position on decisions taken yesterday, we shall now proceed to hear statements by delegations wishing to introduce draft resolutions. The list of speakers is as follows: Egypt and Mexico.

Mr. Karem (Egypt): It gives me pleasure to introduce draft resolution A/C.1/49/L.16/Rev.1, which is the product of intensive consultations. Since the original draft resolution was previously introduced to the Committee, I shall now focus only on the three basic additions to the original text.

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This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief, Verbatim Reporting Section, Room C-178, and incorporated in a copy of the record. Corrections will be issued after the end of the session in a consolidated corrigendum.

Two carefully worded — and I repeat, carefully worded — new preambular paragraphs have been introduced. May I point out that, while the new ninth preambular paragraph just "takes note", both paragraphs remain in the preambular part of the draft resolution.

The addition to the operative section was made with the same degree of care and caution. The new operative paragraph 4, I remind the Committee, is taken verbatim from operative paragraph 4 of the General Conference resolution of the International Atomic Energy Agency (IAEA) on the application of IAEA safeguards in the Middle East, which the General Conference of the Agency has adopted by consensus for the past four years. The particular language of operative paragraph 4 was introduced in 1993 in Vienna and since then has become part of the consensus language in the IAEA. All delegations in the General Conference of the IAEA join that consensus.

This year marks the twentieth anniversary of the introduction in 1974 by Iran — and later by Egypt — of the draft resolution on the establishment of a nuclear-weapon-free zone in the Middle East. For the past 14 years we have adopted this draft resolution by consensus, reflecting intraregional as well as extraregional support for this initiative, and we hope to see its objectives soon realized and implemented. In the same spirit of preserving consensus on this draft resolution, which has become over the years an edifice and a cornerstone of non-proliferation efforts and disarmament initiatives in the region, we hope that the First Committee this year will once again mark and uphold the consensus tradition, which we have enjoyed and cherished for a long time.

Mr. Marín Bosch (Mexico) (*interpretation from Spanish*): We should like to refer to draft resolution A/C.1/49/L.25/Rev.1.

The original draft was submitted to the Committee on 7 November. The revision consists of the addition by the sponsors of a new final paragraph in the operative part, requesting the inclusion of the item "Step-by-step reduction of the nuclear threat" in the provisional agenda of the General Assembly's fiftieth session. This reflects the sponsors' wish to establish and maintain a dialogue with all United Nations Members on this item of fundamental importance.

The proposal contained in draft resolution L.25/Rev.1 constitutes a modest attempt to advance multilateral consultations on the process of nuclear disarmament. As the draft itself indicates, that process is complex. It covers different phases and negotiations at the multilateral, pentagonal and bilateral levels, and even contemplates the possibility of unilateral measures. It is a gradualist approach that we know many countries find interesting and even attractive. But we are also aware that, for various reasons, some of those countries are not yet in a position to lend their support to L.25/Rev.1. We regret this and wish to reiterate our willingness to continue to examine this question in the coming months. We are convinced that this draft resolution offers an appropriate means to bring us closer to the goals we have all set ourselves in this field.

Mr. Ramaker (Netherlands): I wish to introduce the revised draft resolution on transparency in armaments, document A/C.1/49/L.18/Rev.1. My delegation is fully aware of the differing views of how the United Nations Register of Conventional Arms is or should be functioning or should be further developed. The revised draft resolution aims at consolidating the momentum gained by the United Nations Register of Conventional Arms. Following consultations with a number of Member States, it tries to meet the concerns they might have about the Register's performance and scope, and tries to meet them as realistically as possible. More particularly, the revised draft resolution requests Member States to give their views on the continuing operation of the Register and its further development and on transparency measures related to weapons of mass destruction.

Draft resolution A/C.1/49/L.18/Rev.1 requests the Secretary-General, with the assistance of a group of governmental experts to be convened in 1997, on the basis of equitable geographical representation, to prepare a report on the continuing operation of the Register and its further development. Another group of experts is important, in our view, for monitoring the performance of the Register, and for further developing and improving it, thereby enhancing the Register's value as a confidence-building measure.

The draft resolution also invites the Geneva Conference on Disarmament to consider continuing its work undertaken in the field of transparency in armaments in general, thereby leaving it entirely to the Conference on Disarmament to decide on whether and how it should do so.

As in the case of many other issues relating to arms control and international security, in dealing with the concept of transparency in armaments and the United Nations Register of Conventional Arms we should not focus on the text exclusively, but should focus more on the substance of the matter we are dealing with. As part of a

wider effort to promote transparency and openness in military matters, the United Nations Register of Conventional Arms is, in our view, a simple and useful instrument giving official information on international transfers of seven categories of conventional weapons. By creating transparency, the Register promotes restrained and responsible behaviour, leading to greater confidence and stability among States. It seems to us that it serves the security interests of all States alike, not only those of individual States or groups of States.

The first two years of the Register's operation showed that it is widely appreciated by United Nations Member States for what it is — a confidence-building measure. We hope that draft resolution A/C.1/49/L.18/Rev.1 will meet with an expression of that support and appreciation.

The Chairman: I shall now call on delegations wishing to explain their positions before decisions are taken on draft resolutions on which the Committee is to take action today. I should note that a request has been received to postpone until this afternoon a decision on draft resolution A/C.1/49/L.34/Rev.1.

Mr. Yarka (Papua New Guinea): I wish to place on record my delegation's position on the draft resolution contained in document A/C.1/49/L.36, which relates to the "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

My delegation will vote in favour of the draft resolution. However, I wish at the outset to make it quite clear that our support should not in any way be viewed as an attempt to prejudice the views of the International Court of Justice. Nor should our support be perceived as an attempt to exert political pressure on the Court to come to a particular decision on these issues. The Court should and must maintain its tradition of impartiality and neutrality.

Papua New Guinea fully respects and supports the complete sovereignty and independence of the Court in reaching a decision that should not be viewed as being influenced by any external forces or circumstances. Our own national Constitution also guarantees and respects the absolute independence and integrity of the judiciary system, and we would naturally be compelled to uphold that principle.

Our support for the draft resolution is purely based on and in conformity with our overall standing policy on total disarmament and our continued interest in and desire to see the establishment of a global environment that perpetuates and guarantees complete peace and security. We therefore believe that an opinion from the International Court of Justice would surely facilitate, among other things, further progress towards the strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons and complete disarmament.

Mr. Ledogar (United States of America): I wish to explain forthcoming United States votes on two draft resolutions in cluster 1. First of all, the United States vote on draft resolution A/C.1/49/L.25, entitled "Step-by-step reduction of the nuclear threat": my delegation will vote "no" on that draft resolution, and strongly encourages others to do the same. This draft resolution seeks to establish a target list of nuclear-arms-control and disarmament measures to be accomplished within a set time frame, that is, it calls for negotiations against artificial and unrealistic deadlines. As the events of the past five years have illustrated, the pace of arms-control progress cannot be predicted with certainty, and could not have been dictated by contrived agendas or timetables. Priorities for negotiation in this area are in fact driven by the political requirements of the security environment, and not by academic design.

More important, and much to our dismay, this draft resolution ignores, perhaps intentionally, the fact that real progress has been accomplished in recent years or is under way as we speak. Indeed, most of the initiatives recommended in the draft resolution are already the subject of discussion and/or action by the nuclear-weapon States, either unilaterally, bilaterally or multilaterally, and by the international community within the various multilateral forums. Examples of current efforts ignored or overlooked in this draft resolution include the negotiations in the Conference on Disarmament on a comprehensive nuclear-test ban and the moratoriums on nuclear testing in force by most nuclear-weapon States.

The draft resolution chooses to ignore efforts in the Conference on Disarmament to commence negotiations on a cut-off of the production of fissile material, although we note with regret that the cut-off initiative is being stymied by some of the very countries that support this draft resolution. The draft resolution chooses to ignore unilateral United States steps to cease production of highly enriched uranium and plutonium. It chooses to ignore the withdrawal of United States nuclear weapons from high-alert status and the detargeting agreement between the United States and Russia, and detargeting by other nuclear-weapon States. The draft resolution chooses to ignore the dismantlement by

the United States of over 2,000 nuclear weapons per year, which is the fastest rate that is technically possible at this time.

The draft resolution chooses to ignore steps by the United States to ensure the safe and secure storage of its nuclear weapons, to remove special nuclear material from these dismantled warheads, and to convert special nuclear materials for use in non-weapon purposes. Finally, the draft resolution overlooks, or chooses to ignore, transparency measures and defence-conversion measures by the United States related to its nuclear-weapon arsenal and infrastructure.

The United States shares an interest in making more progress towards disarmament, and agrees that it is essential that all countries continue to seek ways to support the many ongoing efforts to promote such progress. However, given all the efforts already under way, we view this draft resolution as unnecessary and redundant at best; at worst, the effect of this draft resolution could be to slow or undermine the efforts of the nuclear-weapon States and others to make continued progress in these important areas.

Finally, many of the initiatives raised in this draft resolution touch on areas vital to United States security. Although some items are appropriate for multilateral consideration, some are not. We do not foresee a role for the Conference on Disarmament or any other multilateral body in negotiations involving such initiatives, which are best dealt with individually, bilaterally or collectively by the nuclear-weapon States.

I shall now explain our forthcoming vote on draft resolution A/C.1/49/L.39, the South Atlantic region as a nuclear-weapon-free zone. My delegation intends to vote "no". The United States has long supported in principle the development of nuclear-weapon-free zones as a non-proliferation measure. Such zones, when properly constituted, can enhance international stability and security. The United States already supports a nuclear-weapon-free zone in Latin America, under the Treaty of Tlatelolco, and we welcome progress towards its full entry into force. Equally, we support the concept of a properly constituted zone in Africa, and we welcome ongoing efforts towards conclusion of a treaty for that purpose.

But the place for the United Nations to endorse those activities is in the separate draft resolutions on those two subjects, which have once again achieved consensus in this Committee. To do so in a new draft resolution is unnecessary and redundant. It also runs counter to the First Committee's efforts to streamline its agenda.

This draft resolution calls for turning an unspecified region of the South Atlantic into a nuclear-weapon-free zone, while saying nothing about the means by which that objective might be pursued. My delegation cannot accept an objective framed in that way, let alone "solemnly endorse" it, as the draft resolution invites us to do in its paragraph 4. The specific language of the draft resolution also raises other concerns for the United States. Chief among them are the potential negative effects on navigational freedom. Imposing the objective of turning the South Atlantic into a nuclear-weapon-free zone, the draft resolution purports to extend its effects onto the high seas. This is directly contrary to international law as reflected in the United Nations Convention on the Law of the Sea, which does not recognize limits on freedom of navigation in such waters for warships or merchant vessels. The draft resolution's language on the use of the high seas for peaceful purposes would further have the effect of incorporating restrictions not accepted under international law.

Compounding these defects, the draft resolution does not even address other significant navigational freedoms protected by international law within straits, territorial seas and exclusive economic zones. Such freedoms are of paramount interest to all maritime nations and to all countries that support the rule of law in international affairs. It would be unfortunate for this Committee to adopt a draft resolution so contrary to the United Nations Convention on the Law of the Sea during the very week in which the Convention is entering into force.

For those reasons my delegation intends to vote "no" on draft resolution A/C.1/49/L.39, and we urge others not to support it.

Mr. Hoffmann (Germany): I would like to speak on draft resolution A/C.1/49/L.25/Rev.1, entitled "Step-by-step reduction of the nuclear threat". The European Union and the four countries that have applied for membership in the Union cannot support that draft resolution. The Conference on Disarmament determines its own agenda according to the principle of consensus. This draft resolution seeks to interfere with the autonomy of the Conference on Disarmament by recommending measures to be commenced during the next five- and 10-year periods. Moreover, the draft resolution does not take into account the foreseeable burden of work the Conference on Disarmament has to cope with. The ongoing negotiations on a comprehensive test-ban treaty will be very

time-consuming. In addition, we all hope that negotiations on a cut-off convention for the production of fissile material will start next year; they will leave little room for other issues, at least for the foreseeable future.

The European Union regrets in particular that the draft resolution recommends a timetable for the possible negotiations to be established in 1995. Everybody should be aware that 1995 will be a particularly critical year, when all efforts should be devoted to the negotiation of a comprehensive test-ban treaty.

Mr. Floreni (France) (*interpretation from French*): Beyond what the representative of Germany has said on behalf of the European Union, my delegation wishes to express its views on draft resolution A/C.1/49/L.25 on a "Step-by-step reduction of the nuclear threat". My delegation will vote against that draft resolution because, far from offering a new approach to nuclear disarmament as its authors would have us believe it does, the text is actually a return to obsolete rhetoric on a comprehensive disarmament programme which does nothing to revitalize the discussion on nuclear weapons.

It can, therefore, only serve to further the objectives of those who, refusing to recognize the new realities of the present-day international situation, attempt to continue to single out the nuclear Powers in order to make them bear the sole responsibility for disarmament. That approach is to ignore the aggravation of the threat posed not only by the proliferation of weapons of mass destruction in the nuclear field, but also by chemical and bacteriological weapons. It also disregards the risks created by the excessive accumulation of conventional weapons, in particular in areas of tension. It is tantamount to a rejection of one absolutely clear fact, which is that nuclear disarmament is a question that must be dealt with by all.

We would have been pleased to be able to support a new approach to this issue, but for that, there would have had to be a recognition of the progress achieved with regard to the control of nuclear weapons and recent changes in military doctrines. Note should have been taken of multilateral negotiations that are under way at the present time on the prohibition of nuclear-weapons testing and of the willingness of nuclear-weapon States to begin negotiations on the prohibition of the production of weapons-grade fissile material. Some mention should have been made of the growing risks inherent in nuclear proliferation.

Given the present international situation, an appeal for new agreements in the field of nuclear disarmament should recognize that such disarmament would be facilitated by respect for existing legal instruments and by consolidating the non-proliferation regime, in particular through an unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The authors of draft resolution L.25, however, were not inspired by such realism, but took an ideological approach reflecting an international situation that has today, fortunately, become a part of the past.

Those are the considerations that will oblige my delegation to vote against the adoption of that draft resolution.

Mr. Sy (Senegal) (*interpretation from French*): I shall be brief. Despite repeated appeals by the delegation of Senegal, some delegations have felt that they should submit draft resolution A/C.1/49/L.36 on behalf of the members of the Movement of Non-Aligned Countries. My country not only deplores this but would like, at the same time, to state that we cannot in any way support the draft resolution.

Mr. Amar (Morocco) (*interpretation from French*): I should like to make some comments on draft resolution A/C.1/49/L.36, which decides to request the International Court of Justice to render an advisory opinion on the threat or use of nuclear weapons. The Kingdom of Morocco would propose that the Committee not take action on the draft resolution, particularly since the consensus on this subject among the Movement of Non-Aligned Countries has been seriously eroded, and that the reasons behind postponing the matter at the forty-eighth session are still there. We would move that the Committee not take action on the draft resolution in order to allow for further consultations between the countries involved. We hope that this motion not to take action will be supported by all the members of the Committee.

My delegation wonders whether the introduction of such a draft resolution truly serves the wishes of the First Committee with respect to nuclear disarmament. Morocco believes that it would be inappropriate to request the International Court of Justice to render an advisory opinion on such an abstract and theoretical question as the legality of the threat or use of nuclear weapons in any circumstances. In 1993, the World Health Organization (WHO) adopted a resolution requesting the Court to render an advisory opinion on this same question. That opinion is still under consideration, and the ICJ is currently examining the memorial sent by at least 27 countries. We feel that any

new political initiative within the First Committee aimed at bringing an identical question before the Court should be viewed as an attempt to prejudge the opinion of the Court with regard to the request by WHO.

Adoption of this draft resolution would be a clear demonstration that political motivations are involved and could be interpreted as a desire to exert pressure on the ICJ with a view to obtaining a particular ruling. The delegation of Morocco feels that an advisory opinion on a question that is essentially a political one that has given rise to many controversies will have no practical effect, since we do not believe that any weapons have ever been limited or prohibited by any means other than the negotiating of a treaty. We feel that this initiative will not help diplomatic efforts now under way to fight the proliferation of nuclear weapons. States with nuclear weapons as well as those without them should have the political will to make progress in this area.

I hope that my motion not to take action on the draft resolution will be adopted without a vote.

The Chairman: The representative of Morocco has moved, within the terms of rule 116 of the rules of procedure, that no action be taken on the request contained in document A/C.1/49/L.36. Rule 116 reads as follows:

> "During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote."

I now call upon the first representative wishing to speak in favour of the motion.

Mr. Hoffmann (Germany): With respect to draft resolution A/C.1/49/L.36, requesting an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons, I associate myself with the representative of Morocco and wish to support his proposal to move that no action be taken on the draft resolution within the terms of rule 116 of the rules of procedure.

I would like to point out that not only Germany but the entire European Union as well regret having failed to convince the sponsors of draft resolution L.36 to withdraw it and have decided that they cannot support it.

I believe that the subject of this draft resolution is not appropriate for the First Committee. At the 1993 World Health Assembly a resolution was adopted seeking the opinion of the International Court of Justice on the legality of the use of nuclear weapons. A further draft resolution along similar lines was submitted by the non-aligned countries at this Committee's 1993 session. It was not put to a vote. Progress with the World Health Assembly request is such that the International Court of Justice is now examining submissions made to it by at least 27 States. Any further initiative in the First Committee to ask a similar question of the Court could be seen as an attempt to prejudice the view of the Court on the World Health Assembly request.

A United Nations resolution would do nothing to help the ongoing consideration of the questions by the International Court of Justice and might adversely affect the standing of both the First Committee and the Court itself. It could also have wider adverse implications on non-proliferation goals which we all share.

Mr. Gajda (Hungary): Very briefly, my delegation associates itself fully with the position just presented by the representative of Germany, speaking on behalf of the European Union, concerning the merit of the draft resolution contained in document A/C.1/49/L.36. Secondly, and more important, the delegation of Hungary is fully conscious of the reasons for the motion put forward by the representative of Morocco and, in appreciation of those reasons, and in accordance with rule 116 of the rules of procedure, the delegation of Hungary wishes to second the motion on no action.

The Chairman: In accordance with rule 116, the Committee has heard two speakers in favour of the motion. I shall now call on those representatives who wish to speak against it.

Mr. Wiranataatmadja (Indonesia): I would like to put it on record that my delegation opposes the motion on no action moved by the delegation of Morocco.

Mrs. Londoño Jaramillo (Colombia) (*interpretation from Spanish*): I oppose the motion that no action be taken on draft resolution A/C.1/49/L.36, and Colombia will vote against that motion, moved by Morocco.

The Chairman: The Committee will now take a decision on the motion submitted by the representative of Morocco that no action be taken on draft resolution A/C.1/49/L.36.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Andorra, Argentina, Armenia, Australia, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Israel, Italy, Japan, Latvia, Luxembourg, Mali, Malta, Marshall Islands, Micronesia (Federated States of), Morocco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Afghanistan, Algeria, Bahamas, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, Chile, Colombia, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Samoa, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Abstaining:

Antigua and Barbuda, Austria, Azerbaijan, Cameroon, Côte d'Ivoire, El Salvador, Ireland, Jamaica, Liechtenstein, Lithuania, New Zealand, Niger, Republic of Moldova, San Marino, Sweden

The motion that no action be taken on draft resolution A/C.1/49/L.36 was rejected by 67 votes to 45, with 15 abstentions.

The Chairman: The Committee will now take a decision on draft resolution A/49/L.36. I shall now call on those representatives who wish to explain their votes before the voting.

Mr. Berdennikov (Russian Federation) (*interpretation from Russian*): Since the proposal that no action be taken on draft resolution A/C.1/49/L.36 was rejected and the draft resolution will, unfortunately, be put to a vote, we would like to explain the reasons for our vote on the draft resolution before the voting.

The Russian delegation will vote against the draft resolution. We believe that the question of the advisability of the use of nuclear weapons is above all a political, not a legal problem. This is because of the nature and significance of nuclear weapons themselves, which have not been used since the war. Since the Charter of the United Nations and the statutes of the International Court of Justice came into force, nuclear weapons have been considered in States' doctrines not so much as a means of warfare but as a deterrent to war, especially global conflicts. They are therefore different from other weapons, in that they have a political function in the world today.

The very existence of nuclear weapons is accepted in international law and there is a wide range of international norms regulating them. There are many effective international bilateral and multilateral instruments in force, aimed in particular at the non-proliferation, non-deployment, limitation and reduction of nuclear weapons, test bans and other controls over these weapons. Further progress along these lines, through strengthening the non-proliferation regime and in particular arriving at a comprehensive nuclear-test ban and further radical reductions in the nuclear arsenals of all nuclear-weapon States, we feel would be the most reliable way to rid mankind of the nuclear threat.

Unfortunately, draft resolution A/C.1/49/L.36 has another purpose, which makes it impossible for us to support it. We shall vote against the draft resolution.

Mr. Errera (France) (*interpretation from French*): Putting draft resolution A/C.1/49/L.36 to the vote is a regrettable action, whose implications should be thoroughly considered. France will vote against the draft resolution.

It will do so, first, because the matter it posits is itself unacceptable. The very request for an advisory opinion on the legality of a particular category of arms is tantamount to questioning the inalienable right of any State or group of States to remain sovereign, as long as they comply with international law, in the choice of their means of defence. Such an approach is a blatant violation of the United Nations Charter. It goes against law; it goes against reason.

My country has chosen to base its defence on nuclear deterrence — in other words, on a doctrine oriented not towards victory in battle, but towards avoiding war. This doctrine has made it possible to ensure peace and stability in Europe. It remains the cornerstone of our security.

Those who think that they can deny sovereign States their right to defend themselves by any means recognized by applicable international instruments, or who think that a tribunal should be established to prosecute acknowledged nuclear Powers, should think twice. One day, they themselves could be called upon to defend the legitimacy of the means they use to ensure their security.

The second reason why France will vote against this draft resolution is that the means chosen is no less defensible. Trying to utilize for partisan purposes so respected an international institution as the International Court of Justice entails a very serious responsibility: that of putting at risk the credibility of the Court by leading it away from its mission. Indeed, who can seriously believe that the question posed is a legal one? It is, as we all know, a purely political issue.

As for the moment chosen to launch this initiative, it can only be termed dismal. Need I recall that, for the first time since the invention of nuclear weapons, the entire international community is engaged in multilateral negotiations on a universal and verifiable treaty on a comprehensive nuclear-test ban, and that important progress on this issue has already been achieved at Geneva?

So we can only wonder what kind of message is being sent to the nuclear Powers, at a time when they daily demonstrate that they are fully shouldering their responsibilities and that they are standing fully behind their commitments. Is this draft resolution trying to tell them that their efforts are worthless, that they deserve nothing but censure? Or are we to understand that, at the very moment when disarmament is steadily becoming a reality, some long for the days when it was nothing more than a rhetorical issue? Are these countries — ever ready to condemn nuclear deterrence — afraid of having to take their own share of responsibility? Are they perhaps trying to conceal the fact that in many regions of the world, the build-up of conventional weapons and clandestine programmes to acquire weapons of mass destruction and their delivery systems are a factor in the proliferation of conflicts and a sign of hegemonic claims entertained by some.

France will vote against this draft resolution also because, if we want progress towards a safer and more equitable world, everyone must recognize the necessity for responsibilities and obligations to be shared. It would make no sense to anyone that the nuclear Powers alone should be the only ones to have to respond to the new expectations of the international community, while others would remain free to play the games of the past.

When the spirit of responsibility exists, it leads to real progress. Let us not ruin this collective effort by obsolete methods, which might serve the purposes of a few, but which are certainly contrary to the interests of the overwhelming majority.

Mr. Cassar (Malta): My delegation would like to refer to draft resolution A/C.1/49/L.36. Last year, Malta was among those in favour of having a draft resolution on this subject withdrawn. The primary concern then was the impact that such a draft resolution would have on other negotiations in the field of nuclear disarmament, arms control and non-proliferation. Within the Non-Aligned Movement, to which we belong, we raised the question of withdrawal of the draft resolution. Unfortunately, our request was not acted upon by the Movement.

The primary concern then, as I said, was the impact of such a draft resolution. The impression of the delegation of Malta is that the same reasoning as prevailed last year persists now. In view of these circumstances, my delegation will vote against the draft resolution.

Mr. Hoffmann (Germany): For the reasons I have pointed out, the European Union and its applicant States cannot support draft resolution A/C.1/49/L.36.

Sir Michael Weston (United Kingdom): The United Kingdom is firmly convinced that draft resolution A/C.1/49/L.36 can make no positive contribution whatsoever to existing disarmament efforts. On the contrary, it carries a number of serious risks which we hope delegations will consider carefully before they vote.

First, the draft resolution can do nothing to help the ongoing work by the International Court of Justice on the similar question from the World Health Assembly. On the contrary, it risks being seen as a deliberate attempt to exert political pressure over the Court to prejudice its response. This could have serious implications for the standing of the General Assembly and, indeed, of the Court itself.

Secondly, this draft resolution can do nothing to further the various positive diplomatic efforts under way in the field of nuclear disarmament, arms control and non-proliferation, notably on a comprehensive test-ban treaty. On the contrary, at a time when real progress is being achieved in a range of areas, it can only serve to confuse and complicate the basis on which countries enter into such negotiations and to harden positions.

Thirdly, this draft resolution can do nothing to further global peace and security. On the contrary, a legal opinion on this essentially political and hypothetical question risks seriously undermining confidence in existing multilateral treaties. This in turn could serve to undermine the security of all those who put their trust in these treaties.

Fourthly, this draft resolution risks serving the interests of those who wish to distract attention from the destabilizing accumulation of conventional arms and from clandestine programmes aimed at acquiring weapons of mass destruction and developing delivery systems.

This draft resolution could impose heavy costs. It offers no benefits in return. Its wider implications could seriously affect the security of us all. We therefore urge delegations not to support it.

Mr. Moradi (Islamic Republic of Iran): I should like to give my delegation's position on draft resolution A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

My delegation fully supports this draft resolution. This issue has been given extensive consideration by the members of the Non-Aligned Movement, which led to the submission of this draft resolution this year. We are of the view that the international community in general and peace-loving nations in particular should explore every avenue to create a world free from nuclear weapons and other weapons of mass destruction.

In submitting such draft resolutions, their sponsors are exercising their rights under the United Nations Charter, which encourages Member States to seek advisory opinions from the International Court of Justice on issues that they deem important. We believe that the draft resolutions do not run contrary to the resolution adopted last year by the World Health Organization on the same issue, but indeed complement and supplement them. Moreover, on the eve of the 1995 Non-Proliferation Treaty Review and Extension Conference this draft resolution is a positive contribution to that Conference as well.

My delegation will vote in favour of this draft resolution, and encourages other members of the Committee to cast a positive vote on it.

Mr. Marín Bosch (Mexico) (*interpretation from Spanish*): The States Members of the United Nations, as we were reminded today, are committed to defending the rule of law. In our respective countries, there are courts of law responsible, *inter alia*, for considering all types of legal matters, sometimes very delicate ones, and for handing down opinions on them.

The founders of the United Nations wished to give the Organization a similar legal body; hence, the close relationship in the Charter between the United Nations and the International Court of Justice. Draft resolution A/C.1/49/L.36 is part of this relationship and cannot be qualified or described in the terms which were used by some this morning and which others seek to impose. The draft resolution was originally submitted last year; in the meantime, with the firm support of the Government of Mexico, the World Health Organization has already formulated a request to the Court concerning similar, but not identical, aspects of this matter. We have no fear of turning to the International Court of Justice in order to ask it to state impartially its position on this question of fundamental importance.

My delegation will vote in favour of the draft resolution and asks all those countries which are committed to international legitimacy and the rule of law to do the same.

Mr. Al-Hammadi (United Arab Emirates) (*interpretation from Arabic*): My delegation will not participate in the voting on draft resolution A/C.1/49/L.36.

Mr. Whannou (Benin) (*interpretation from French*): My delegation wishes to speak in explanation of vote on draft resolution A/C.1/49/L.36.

Benin's commitment to the philosophy and principles of non-alignment is well-known to this body. The Movement of Non-Aligned Countries has made a contribution to the multipolarization of international relations and to the establishment of an era of reduced risk of global confrontation. With competence and dedication, Indonesia has led the Movement's work since its tenth historic summit meeting in Jakarta, in September 1992. It

has contributed to a renewal of multilateralism and has strengthened the ability of the United Nations to meet effectively and rapidly the challenges currently facing it, such as disarmament and development. The delegation of Benin is grateful to the representative of Indonesia for the efforts he has made to preserve the Movement's unity of action and credibility.

The delegation of Benin wishes to take the opportunity of the First Committee's action on draft resolution A/C.1/49/L.36 to make known, as announced during the general debate, the views of its Government on the substance and form of the issues to be submitted for the consideration of the International Court of Justice, namely, whether there are circumstances in which international law authorizes the threat or use of nuclear weapons. We must ask ourselves above all whether this approach serves the well-known concerns of the non-aligned countries with regard to nuclear disarmament in particular.

Indeed, we are well aware that the political position of the non-aligned countries in the field of disarmament has always been in favour of general and complete disarmament under international control. This explains our quest to eliminate all nuclear arsenals, which pose a threat and a constant danger to the entire international community, if only because of the risk of accident. The question to be put to the Court does not touch upon such fundamental issues as the testing, production, stockpiling, proliferation and dissemination of nuclear weapons. Any response from the Court could represent, in our view, no more than an impediment to the process of the elimination of this modern-day scourge.

Furthermore, on the procedural level, we do not find this step pertinent or relevant, in that all delegations have, ever since the end of the cold war, expressed satisfaction at the various initiatives in the control and limitation of armaments. Moreover, the Conference on Disarmament, entrusted with negotiating, on behalf of the international community, multilateral agreements on disarmament of a universal nature and scope such as the one on the prohibition on chemical weapons, has, *inter alia*, begun negotiations on a comprehensive nuclear-test-ban treaty. We know that the work of the Review Conference on a partial-test-ban treaty, aimed at turning it into a treaty on a comprehensive ban, did not make progress because of the reluctance, and even the opposition, of nuclear-weapon States, which, because of the positive changes that have taken place on the international scene — more and more characterized by understanding, dialogue and cooperation — have now begun to show a spirit of openness.

Furthermore, in accordance with the draft resolution contained in document A/C.1/49/L.31, the General Assembly would, in the course of its current forty-ninth session, reiterate its request to the Conference on Disarmament to undertake negotiations, as a matter of priority, in order to reach agreement on an international agreement prohibiting the use or threat of use of nuclear weapons in any circumstances.

The international community also aspires to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Disarmament is a political process of negotiating tending towards the conclusion of binding agreements by the parties involved, which are concerned primarily for their own security. Is it not important to avoid any possibility of a new international rivalry, which would cast a shadow over all positive developments? Benin is convinced that the force and the effectiveness of disarmament measures and agreements lie more in the acceptance by the parties concerned of the conclusions of their negotiations than in any legal opinion, which, in the final analysis, can rule on only one aspect of a subject that is of great concern for the international community.

Multilateral disarmament takes place within the global framework of the activities of the General Assembly, where Member States exercise their sovereign right. A ruling, even an advisory opinion, by the Court would constitute a precedent that would prejudice that right. The present situation thus requires no recourse whatever to the International Court of Justice as one of the preventive measures advocated by the Secretary-General in his important report, "An Agenda for Peace", and endorsed in particular by resolution 47/120 of 18 December 1992 and 47/120 B of 20 September 1993.

In view of all the foregoing, the delegation of Benin, which cannot endorse any initiative that is inadequate or inopportune and therefore not in the general interest, would have preferred not to have this draft resolution submitted on its behalf, but my delegation would also have wished that the motion not to take action had been adopted. Like the delegation of Morocco, we feel that the motion not to take action would have made it possible to go back to informal consultations for further discussion. But all these attempts were unsuccessful, and that is why our delegation will vote against this draft resolution.

The Chairman: The Committee will proceed to take action on draft resolution A/C.1/49/L.16/Rev.1.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.16/Rev.1, entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East", was introduced by the representative of Egypt at the 14th meeting of the Committee, on 7 November 1994, and it is sponsored by Egypt.

The Chairman: The sponsors of this draft resolution have expressed the wish that the draft resolution be adopted by the Committee without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/49/L.16/Rev.1 was adopted.

The Chairman: We will now proceed to take action on draft resolution A/C.1/49/L.22/Rev.1.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.22/Rev.1, which is entitled "Comprehensive nuclear-test-ban treaty", and which has programme budget implications as indicated in document A/C.1/49/L.51, was introduced by the representative of New Zealand at the 13th meeting of the Committee, on 4 November 1994. It is sponsored by the following States: Afghanistan, Algeria, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Latvia, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Peru, Philippines, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Senegal, Singapore, Slovakia, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, Tajikistan, Thailand, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Viet Nam.

The Chairman: The sponsors of this draft resolution have expressed their wish that the draft resolution be adopted by the Committee without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/49/L.22/Rev.1 was adopted.

The Chairman: We will now proceed to take action on draft resolution A/C.1/49/L.25/Rev.1.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.25/Rev.1, entitled "Step-by-step reduction of the nuclear threat", was introduced by the representative of Mexico at the Committee's 14th meeting, on 7 November 1994, and it is sponsored by the following countries: Algeria, Brazil, Colombia, Ecuador, Egypt, India, Indonesia, Malaysia, Mexico, Nigeria, United Republic of Tanzania and Zimbabwe.

The Chairman: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Chile, Colombia, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Andorra, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Israel, Italy, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bulgaria, Canada, Estonia, Georgia, Iceland, Ireland, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Micronesia (Federated States of), New Zealand, Republic of Korea, Republic of Moldova, Russian Federation, Slovenia, Swaziland, Sweden, The Former Yugoslav Republic of Macedonia, Ukraine

Draft resolution A/C.1/49/L.25/Rev.1 was adopted by 91 votes to 24, with 30 abstentions.

The Chairman: The Committee will now proceed to take action on draft resolution A/C.1/49/L.33/Rev.1.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.33/Rev.1, entitled "Nuclear disarmament with a view to the ultimate elimination of nuclear weapons", was introduced by the representative of Japan at the Committee's 14th meeting on 7 November 1994 and is sponsored by Japan.

The Chairman: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

None

Abstaining:

Brazil, Cuba, Democratic People's Republic of Korea, France, India, Israel, United Kingdom of Great Britain and Northern Ireland, United States of America

Draft resolution A/C.1/49/L.33/Rev.1 was adopted by 140 votes to none, with 8 abstentions.

The Chairman: The Committee will now proceed to take action on draft resolution A/C.1/49/L.36.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): The voting will now commence on draft resolution A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons". This draft resolution was introduced by the representative of Indonesia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, at the Committee's 15th meeting on 9 November 1994, and is sponsored by Indonesia on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

The Chairman: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Bahamas, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Samoa, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Andorra, Belgium, Benin, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Israel, Italy, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Slovenia, Spain, The Former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Cameroon, Canada, Ireland, Jamaica, Japan, Liechtenstein, Lithuania, Marshall Islands, Niger, Norway, Republic of Moldova, San Marino, Sweden, Ukraine

Draft resolution A/C.1/49/L.36 was adopted by 77 votes to 33, with 21 abstentions.

The Chairman: The Committee has taken decisions on all draft resolutions in cluster 1. I shall now call on delegations wishing to explain their votes after the voting.

Mr. Westdal (Canada): I wish to explain Canada's votes on draft resolutions A/C.1/49/L.25/Rev.1, entitled "Step-by-step reduction of the nuclear threat", and A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

With respect to draft resolution A/C.1/49/L.25/Rev.1, Canada shares the goal of nuclear disarmament and of a treaty on general and complete disarmament under strict and effective international control, as called for in article VI of the non-proliferation Treaty. However, in our view, in the current draft resolution there is a proposal for a rigid schedule of negotiations that does not take into account political and strategic realities. By seeking to impose a specific, step-by-step approach to reduce the nuclear threat it implicitly calls into question the current agenda of efforts in this regard, particularly those under way in the Conference on Disarmament. This is surely not the intention of the sponsors of draft resolution A/C.1/49/L.25, but it is the effect.

The draft resolution also contains language in the fourth and sixth preambular paragraphs which my delegation finds excessive and cannot accept. Nor can we accept the assertion in the eleventh preambular paragraph that global disarmament efforts lack an overall sense of direction. We would also urge the sponsors of the text to consider whether the tasks outlined for the Conference on Disarmament are in fact reasonable and attainable.

For these reasons, my delegation abstained in the vote on this draft resolution.

With respect to draft resolution A/C.1/49/L.36, Canada has been a leading proponent of negotiations and of international treaties aimed at eliminating the number and the proliferation of nuclear weapons. We are strong advocates of an indefinite extension of, and universal accession to, the Non-Proliferation Treaty and of the conclusion of negotiations on a comprehensive test-ban treaty.

We also vigorously support international negotiations to prevent the transfer of nuclear-weapons technology and materials, to reduce and eventually eliminate existing stocks and to ban the production of fissile materials for nuclear-weapons purposes.

The Canadian Minister of Foreign Affairs, Mr. André Ouellet, most recently reiterated my Government's commitment to these goals in his statement to the General Assembly in September. We believe that the negotiation of, and adherence to, binding multilateral treaties of the kind just mentioned constitute a more

effective approach to the ultimate elimination of nuclear weapons than an advisory opinion of the International Court of Justice.

We further believe that the number and pace of current negotiations on such treaties amply demonstrate the commitment on the part of all States to such negotiations.

Canada is also concerned that the process of seeking an advisory opinion of the International Court could have a negative impact on certain of these ongoing negotiations by diverting attention from them.

Finally, given that the question posed in the draft resolution is for all intents and purposes already before the Court, and that States that wish to make submissions on the issue have done so already, we also question whether the draft resolution serves a useful purpose at this time.

Given these considerations, Canada abstained on the draft resolution.

Mr. Starr (Australia): My delegation has just abstained on the draft resolution contained in document A/C.1/49/L.36 on seeking an opinion from the International Court of Justice on the legality of nuclear weapons.

While we sympathize with the principles motivating the many well intentioned proponents of this measure both within and outside the Committee, we believe the initiative and that already adopted by the World Health Assembly to be misguided.

Australia's own strong and active commitment to nuclear disarmament and non-proliferation is well known, but we are concerned that seeking an advisory opinion from the International Court of Justice on this issue could have an adverse rather than a positive effect on efforts to advance the process of nuclear disarmament.

On the whole, we believe the question is unsuitable for adjudication. It clearly goes beyond a definable field of judicial inquiry and enters into the wider realms of policy and security doctrines of States.

I would also like to explain my delegation's vote on draft resolution A/C.1/49/L.25, on the step-by-step reduction of the nuclear threat.

Australia is appreciative of the positive intentions which inspired the development of the draft resolution on the step-by-step reduction of the nuclear threat. Australia shares the goal of full, verifiable and enforceable nuclear disarmament. We also support many of the individual steps towards disarmament and towards assurance of non-proliferation of weaponry and delivery systems which are identified in the draft resolution.

The principal reason for Australia's abstention on the draft resolution today is a concern regarding operative paragraph 3, in which it is recommended that the Conference on Disarmament develop an indicative timetable for the negotiation of these steps.

Some of the suggested negotiations are in fact already under way, and we believe that the process of agreeing a timetable would actually risk delaying, hindering or complicating those negotiations.

In particular, we would not wish the Conference on Disarmament to be distracted in any way from what is rightly its highest priority current task, namely, to expedite and conclude the negotiation of a comprehensive test-ban treaty without delay. It is within the context of such a concentration of its energies that we consider it fully realistic to look to the Conference to conclude substantially the comprehensive test-ban treaty early next year and to be in a position to move forward in a businesslike fashion to initiate the negotiation of a convention on fissile cut-off.

Mr. Ekwall (Sweden): I should like to explain Sweden's vote on draft resolution A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

It is well known that for decades Sweden has worked actively and consistently for nuclear disarmament and for an ultimate total ban on nuclear weapons, but my Government abstained on the draft resolution. It is the view of my Government that, taking into account the recent request made to the International Court of Justice by the World Health Organization on this topic, one further request to the Court would probably cause an unfortunate delay in the ongoing work of the Court on the issue of the legality of the use of nuclear weapons. My Government is of the opinion that the use of nuclear weapons would not comply with international law, and is anxious that the legal situation be clarified as soon as possible by the Court.

In this context, the Swedish Government would like to recall that last June, in connection with a request from the World Health Organization, Sweden officially stated to the International Court of Justice that the use of nuclear arms

would not be in accordance with international law. This reply was based on a report by the Standing Committee on Foreign Affairs of the Swedish Parliament, which was approved by our Parliament last June.

The Parliament stated, *inter alia*, that a principle has existed in international law ever since the turn of the century that belligerents do not have an unrestricted right to choose weapons or methods of combat. In the Parliament's opinion, the use of nuclear weapons would be restricted by the principles of distinction and proportionality under customary international law, as they relate in particular to civilian population and property, and by other general fundamental legal principles recognized by civilized nations.

The Parliament further noted in its report that the principle of proportionality is embodied in the law of the United Nations Charter. Reprisals which are disproportionate in comparison with the provocation which preceded them are prohibited.

It would be difficult to regard this principle as consistent with the use of nuclear weapons in retaliation against an attack using conventional weapons.

The meeting rose at 1 p.m.